

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

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JAMES KING,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 13-962V

Special Master Christian J. Moran

Filed: June 30, 2014

Damages; decision based on proffer;
influenza (“flu”) vaccination;
shoulder injury.

William E. Cochran , Jr., Black, McLaren, et al., Memphis, TN, for petitioner;
Darryl R. Wishard, United States Department of Justice, Washington, DC, for
respondent.

UNPUBLISHED DECISION AWARDING DAMAGES¹

On December 6, 2013, James King filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that influenza (“flu”) vaccination caused him to suffer a shoulder injury. On February 18, 2014, Mr. King was found entitled to compensation under the Vaccine Act. King v. Sec’y of Health & Human Servs., No. 13-962V, 2014 WL 1004405 (Fed. Cl. Spec. Mstr. Feb. 18, 2014).

On June 26, 2014, respondent filed a Proffer on Award of Compensation, to which petitioner agrees. Based upon the record as a whole, the special master finds the proffer reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the Proffer, attached hereto as “Appendix A”, the court

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

awards petitioner: **A lump sum payment of \$125,000.00, in the form of a check payable to petitioner, James King.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

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No. 13-962V ECF

Special Master Moran

PROFFER ON AWARD OF COMPENSATION¹

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$125,000.00, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$125,000.00, in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

RUPA BHATTACHARYYA
Director
Torts Branch, Civil Division

¹ This Proffer does not include attorneys' fees and costs, which the parties intend to discuss after the Damages Decision is issued.

VINCENT J. MATANOSKI
Deputy Director
Torts Branch, Civil Division

MICHAEL P. MILMOE
Senior Trial Counsel
Torts Branch, Civil Division

/s/Darryl R. Wishard
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Dated: June 26, 2014